

ENTERED

November 30, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

XAVIER OMAR MARTINEZ-LAYTON,
Petitioner,

VS.

UNITED STATES OF AMERICA,
Respondent.

CIVIL ACTION NO. B-16-107
CRIMINAL NO. B-14-148-1

ORDER

On October 6, 2016, the United States Magistrate Judge filed a Report and Recommendation [Doc. No. 6]. No objections have been lodged by either side and the time for doing so has expired.

Having reviewed the Report and Recommendation for plain error and having found none, it is the opinion of the Court that the Magistrate Judge's Report and Recommendation is hereby adopted. Therefore, Petitioner Xavier Omar Martinez-Layton's Motion to Vacate, Set Aside or Correct his Sentence pursuant to 28 U.S.C. § 2255 [Doc. No. 1] is dismissed as waived. Alternatively, the motion is denied as meritless. Further, the Certificate of Appealability is denied.

Signed this 30th day of November, 2016.



Andrew S. Hanen
United States District Judge